

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

ORACLE AMERICA, INC.,

No. C-10-03561-WHA (DMR)

Plaintiff,

**ORDER TO SHOW CAUSE AS TO WHY  
COURT SHOULD NOT DENY  
DEFENDANT'S MOTION TO COMPEL  
[DOCKET NO. 280] AS UNTIMELY  
FILED**

v.

GOOGLE, INC.,

Defendant.

The court is in receipt of the parties' joint discovery letter dated August 5, 2011 concerning Defendant's request for an order to compel Plaintiff to present a prepared witness for Defendant's Rule 30(b)(6) deposition on Topic 4. [Docket No. 280 ("Letter").] The court notes that non-expert discovery in this matter closed on July 29, 2011[see Docket No. 56] and that according to the local rules of this Court, any motions to compel fact discovery had to be filed no later than August 5, 2011. N.D. Cal. Civ. R. 37-3. The court further notes that despite the Letter's being dated August 5, 2011, Defendant lodged it with the Court on August 8, 2011. Moreover, the accompanying administrative motion to file under seal [Docket No. 278] was filed on August 6, 2011. The court is not presently aware of any indication that the motion was filed by the August 5, 2011 deadline.

The court therefore ORDERS Defendant to SHOW CAUSE why the court should not deny its motion to compel because the motion was untimely filed. Defendant shall file a response to this order no later than August 23, 2011.

IT IS SO ORDERED.

Dated: August 16, 2011

